

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:13-cv-00824-GMS**

Ithaca Ventures k.s. et al v. Nintendo of America Inc. et al
Assigned to: Judge Gregory M. Sleet
Cause: 35:271 Patent Infringement

Date Filed: 05/09/2013
Date Terminated: 09/25/2014
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Ithaca Ventures k.s.

represented by **Kenneth Laurence Dorsney**
Morris James LLP
500 Delaware Avenue, Suite 1500
P.O. Box 2306
Wilmington, DE 19899-2306
(302) 888- 6855
Fax: (302) 571-1750
Email: kdorsney@morrisjames.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kim S. Zeldin
Email: kzeldin@linerlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Randall J. Sunshine
Email: rsunshine@linerlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ryan E. Hatch
Email: rhatch@linerlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ted S. Ward
Email: tward@linerlaw.com
TERMINATED: 08/25/2014
PRO HAC VICE
ATTORNEY TO BE NOTICED

Plaintiff

Ithaca Development LLC

represented by **Kenneth Laurence Dorsney**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Nintendo of America Inc.

represented by **Richard L. Horwitz**
Potter Anderson & Corroon, LLP
1313 N. Market St., Hercules Plaza, 6th Flr.
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
Email: rhorwitz@potteranderson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Ellis Moore
Potter Anderson & Corroon, LLP
1313 N. Market St., Hercules Plaza, 6th Flr.
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
Email: dmoore@potteranderson.com
ATTORNEY TO BE NOTICED

Jerry Riedinger
Email: jriedinger@perkinscoie.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kirstin E. Larson
Email: klarson@perkinscoie.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark Kittredge
Email: mkittredge@perkinscoie.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Tyler Peterson
Email: tylerpeterson@perkinscoie.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Nintendo Co. Ltd.

represented by **Richard L. Horwitz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Ellis Moore
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Nintendo Co. Ltd.

represented by **Richard L. Horwitz**
(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David Ellis Moore**

(See above for address)

*ATTORNEY TO BE NOTICED***Counter Claimant****Nintendo of America Inc.**represented by **Richard L. Horwitz**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David Ellis Moore**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant**Ithaca Development LLC**represented by **Kenneth Laurence Dorsney**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Counter Defendant****Ithaca Ventures k.s.**represented by **Kenneth Laurence Dorsney**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/09/2013	<u>I 1</u>	COMPLAINT FOR PATENT INFRINGEMENT filed with Jury Demand against Nintendo Co. Ltd., Nintendo of America Inc. – Magistrate Consent Notice to Pltf. (Filing fee \$ 400, receipt number 311–1286348.) – filed by Ithaca Ventures k.s., Ithaca Development LLC. (Attachments: # <u>1</u> Exhibit A &B, # <u>2</u> Civil Cover Sheet)(dmp,) (Entered: 05/09/2013)
05/09/2013	<u>I 2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction (dmp,) (Entered: 05/09/2013)
05/09/2013	<u>I 3</u>	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 6,624,802 B1;. (dmp,) (Entered: 05/09/2013)
05/09/2013	<u>I 4</u>	Disclosure Statement pursuant to Rule 7.1 filed by Ithaca Development LLC, Ithaca Ventures k.s.. (dmp,) (Entered: 05/09/2013)
05/09/2013	<u>I</u>	Summons Issued with Magistrate Consent Notice attached as to Nintendo Co. Ltd. on 5/9/2013; Nintendo of America Inc. on 5/9/2013. Requesting party or attorney should pick up issued summons at the Help Desk, Room 4209, or call 302–573–6170 and ask the Clerk to mail the summons to them. (dmp,) (Entered: 05/09/2013)

05/09/2013	<u>I 5</u>	MOTION for Pro Hac Vice Appearance of Attorney Edward A. Klein, Attorney Randall J. Sunshine, Attorney Ted S. Ward, and Attorney Kim S. Zeldin – filed by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 05/09/2013)
05/10/2013	<u>I 6</u>	SUMMONS Returned Executed by Ithaca Ventures k.s., Ithaca Development LLC. Nintendo of America Inc. served on 5/10/2013, answer due 5/31/2013. (Dorsney, Kenneth) (Entered: 05/10/2013)
05/15/2013	<u>I</u>	Case Assigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (rjb) (Entered: 05/15/2013)
05/16/2013	<u>I</u>	SO ORDERED, re <u>5</u> MOTION for Pro Hac Vice Appearance of Attorney Edward A. Klein, Attorney Randall J. Sunshine, Attorney Ted S. Ward, and Attorney Kim S. Zeldin filed by Ithaca Development LLC, Ithaca Ventures k.s. Ordered by Chief Judge Gregory M. Sleet on 5/16/13. (mmm) (Entered: 05/16/2013)
05/29/2013	<u>I 7</u>	STIPULATION TO EXTEND TIME to answer or otherwise respond to the Complaint to August 29, 2013 – filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Horwitz, Richard) (Entered: 05/29/2013)
05/30/2013	<u>I</u>	SO ORDERED, re <u>7</u> STIPULATION TO EXTEND TIME to answer or otherwise respond to the Complaint to August 29, 2013 filed by Nintendo of America Inc., Nintendo Co. Ltd. Set/Reset Answer Deadlines: Nintendo Co. Ltd. answer due 8/29/2013; Nintendo of America Inc. answer due 8/29/2013. Ordered by Chief Judge Gregory M. Sleet on 5/30/13. (mmm) (Entered: 05/30/2013)
08/01/2013	<u>I 8</u>	MOTION for Pro Hac Vice Appearance of Attorney Jerry A. Riedinger, Tyler C. Peterson, Kirstin E. Larson, and C. Mark Kittredge of Perkins Coie LLP – filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Moore, David) (Entered: 08/01/2013)
08/29/2013	<u>I 9</u>	ANSWER to <u>1</u> Complaint, with Jury Demand , COUNTERCLAIM against Ithaca Development LLC, Ithaca Ventures k.s. by Nintendo Co. Ltd., Nintendo of America Inc..(Horwitz, Richard) (Entered: 08/29/2013)
08/29/2013	<u>I 10</u>	MOTION to Change Venue , MOTION to Transfer Case to Western District of Washington – filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Horwitz, Richard) (Entered: 08/29/2013)
08/29/2013	<u>I 11</u>	OPENING BRIEF in Support re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington <i>Nintendo's Memorandum in Support of Its Motion to Transfer Venue to the Western District of Washington</i> filed by Nintendo Co. Ltd., Nintendo of America Inc..Answering Brief/Response due date per Local Rules is 9/16/2013. (Horwitz, Richard) (Entered: 08/29/2013)
08/29/2013	<u>I 12</u>	DECLARATION re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington <i>Declaration of Vincent Ajay Singh in Support of Motion to Transfer</i> by Nintendo Co. Ltd., Nintendo of America Inc.. (Horwitz, Richard) (Entered: 08/29/2013)
08/29/2013	<u>I 13</u>	DECLARATION re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington <i>Declaration of Richard L. Horwitz in Support of Nintendo's Motion to Transfer Venue to the Western District of Washington</i> by Nintendo Co. Ltd., Nintendo of America Inc.. (Attachments: # <u>1</u> Exhibit 1–4)(Horwitz, Richard) (Entered: 08/29/2013)
09/09/2013	<u>I</u>	Pro Hac Vice Attorney Randall J. Sunshine,Ted S. Ward for Ithaca Ventures k.s. added for electronic noticing. (dmp,) (Entered: 09/09/2013)
09/09/2013	<u>I 14</u>	STIPULATION TO EXTEND TIME for Plaintiffs Ithaca Ventures k.s. and Ithaca Development, LLC as well as Defendants Nintendo of America Inc. and Nintendo Co., Ltd. to file its

		Opposition and Reply Briefs to the Motion to Transfer to September 30, 2013 and October 14, 2013 respectively – filed by Ithaca Development LLC, Ithaca Ventures k.s., Nintendo Co. Ltd., Nintendo of America Inc.. (Dorsney, Kenneth) (Entered: 09/09/2013)
09/10/2013	<u>11</u>	SO ORDERED, re <u>8</u> MOTION for Pro Hac Vice Appearance of Attorney Jerry A. Riedinger, Tyler C. Peterson, Kirstin E. Larson, and C. Mark Kittredge of Perkins Coie LLP filed by Nintendo of America Inc., Nintendo Co. Ltd. Ordered by Chief Judge Gregory M. Sleet on 9/10/2013. (asw) (Entered: 09/10/2013)
09/10/2013	<u>11</u>	SO ORDERED, re <u>14</u> STIPULATION TO EXTEND TIME for Plaintiffs Ithaca Ventures k.s. and Ithaca Development, LLC as well as Defendants Nintendo of America Inc. and Nintendo Co., Ltd. to file its Opposition and Reply Briefs to the Motion to Transfer to September 30, 2013 an filed by Nintendo of America Inc., Ithaca Development LLC, Nintendo Co. Ltd., Ithaca Ventures k.s., Reset Briefing Schedule: re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington. (Answering Brief due 9/30/2013., Reply Brief due 10/14/2013.). Ordered by Chief Judge Gregory M. Sleet on 9/10/2013. (asw) Modified on 10/1/2013 (mmm). (Entered: 09/10/2013)
09/16/2013	<u>11</u> <u>15</u>	MOTION for Pro Hac Vice Appearance of Attorney Ryan E. Hatch – filed by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 09/16/2013)
09/16/2013	<u>11</u>	SO ORDERED, re <u>15</u> MOTION for Pro Hac Vice Appearance of Attorney Ryan E. Hatch filed by Ithaca Development LLC, Ithaca Ventures k.s. Ordered by Chief Judge Gregory M. Sleet on 9/16/2013. (asw) (Entered: 09/16/2013)
09/17/2013	<u>11</u>	Pro Hac Vice Attorney Kim S. Zeldin,Ryan E. Hatch for Ithaca Ventures k.s. added for electronic noticing. (dmp,) (Entered: 09/17/2013)
09/19/2013	<u>11</u> <u>16</u>	MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) – filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Horwitz, Richard) (Entered: 09/19/2013)
09/19/2013	<u>11</u> <u>17</u>	OPENING BRIEF in Support re <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) filed by Nintendo Co. Ltd., Nintendo of America Inc..Answering Brief/Response due date per Local Rules is 10/7/2013. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3–8)(Horwitz, Richard) (Main Document 17 replaced on 9/20/2013) (asw). (Entered: 09/19/2013)
09/20/2013	<u>11</u>	CORRECTING ENTRY: The main document in D.I. <u>17</u> OPENING BRIEF has been replaced with its corrected version. (asw) (Entered: 09/20/2013)
09/20/2013	<u>11</u>	CORRECTING ENTRY: The Exhibits listed in D.I. <u>17</u> OPENING BRIEF has been REMOVED from the docket entry. (asw) (Entered: 09/20/2013)
09/20/2013	<u>11</u> <u>18</u>	DECLARATION re <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) (<i>Declaration of Richard L. Horwitz</i>) by Nintendo Co. Ltd., Nintendo of America Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3–8, # <u>4</u> Exhibit 9 (part 1), # <u>5</u> Exhibit 9 (part 2), # <u>6</u> Exhibit 10–11, # <u>7</u> Exhibit 12–18)(Horwitz, Richard) (Entered: 09/20/2013)
09/23/2013	<u>11</u> <u>19</u>	ANSWER to <u>9</u> Answer to Complaint, Counterclaim <i>Ithaca Ventures k.s. and Ithaca Development, LLC's Response to Counterclaims of Defendants Nintendo of America Inc. and Nintendo Co., Ltd.</i> by Ithaca Development LLC, Ithaca Ventures k.s..(Dorsney, Kenneth) (Entered: 09/23/2013)
09/30/2013	<u>11</u> <u>20</u>	ANSWERING BRIEF in Opposition re <u>10</u> MOTION to Change Venue MOTION to Transfer

		Case to Western District of Washington filed by Ithaca Development LLC, Ithaca Ventures k.s..Reply Brief due date per Local Rules is 10/10/2013. (Dorsney, Kenneth) (Entered: 09/30/2013)
09/30/2013	<u>21</u>	DECLARATION re <u>20</u> Answering Brief in Opposition, -- <i>Declaration of Peter Lutz in support of Plaintiffs' Opposition to Defendants' Motion to Transfer Venue to the Western District of Washington</i> -- by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 09/30/2013)
09/30/2013	<u>22</u>	DECLARATION re <u>20</u> Answering Brief in Opposition, -- -- <i>Declaration of Erich Spangenberg in support of Plaintiffs' Opposition to Defendants' Motion to Transfer Venue to the Western District of Washington</i> -- by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 09/30/2013)
09/30/2013	<u>23</u>	DECLARATION re <u>20</u> Answering Brief in Opposition, -- <i>Declaration of Kim Zeldin in support of Plaintiffs' Opposition to Defendants' Motion to Transfer Venue to the Western District of Washington</i> -- by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 09/30/2013)
10/01/2013	<u>I</u>	Pro Hac Vice Attorney Kirstin E. Larson for Nintendo of America Inc. added for electronic noticing. (els) (Entered: 10/01/2013)
10/01/2013	<u>I</u>	Pro Hac Vice Attorney Tyler Peterson,Jerry Riedinger,Mark Kittredge for Nintendo of America Inc. added for electronic noticing. (els) (Entered: 10/01/2013)
10/07/2013	<u>24</u>	ANSWERING BRIEF in Opposition re <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) filed by Ithaca Development LLC, Ithaca Ventures k.s..Reply Brief due date per Local Rules is 10/18/2013. (Dorsney, Kenneth) (Entered: 10/07/2013)
10/07/2013	<u>25</u>	DECLARATION re <u>24</u> Answering Brief in Opposition, -- <i>Declaration of Peter Lutz in support of Plaintiffs' Opposition to Defendants' Motion for Sanctions pursuant to Fed. R. Civ. P. 11</i> by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 10/07/2013)
10/07/2013	<u>26</u>	DECLARATION re <u>24</u> Answering Brief in Opposition, -- <i>Declaration of Ted S. Ward in support of Plaintiffs' Opposition to Defendants' Motion for Sanctions pursuant to Fed. R. Civ. P. 11</i> by Ithaca Development LLC, Ithaca Ventures k.s.. (Dorsney, Kenneth) (Entered: 10/07/2013)
10/11/2013	<u>27</u>	REPLY BRIEF re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Horwitz, Richard) (Entered: 10/11/2013)
10/18/2013	<u>28</u>	REPLY BRIEF re <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) filed by Nintendo Co. Ltd., Nintendo of America Inc.. (Horwitz, Richard) (Entered: 10/18/2013)
10/18/2013	<u>29</u>	REQUEST for Oral Argument by Nintendo Co. Ltd., Nintendo of America Inc. re <u>10</u> MOTION to Change Venue MOTION to Transfer Case to Western District of Washington, <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>). (Horwitz, Richard) (Entered: 10/18/2013)
01/03/2014	<u>30</u>	NOTICE of Firm Name Change by Ithaca Development LLC, Ithaca Ventures k.s. (Dorsney, Kenneth) (Entered: 01/03/2014)
01/14/2014	<u>31</u>	NOTICE of SUPPLEMENTAL AUTHORITY by Nintendo Co. Ltd., Nintendo of America Inc. re <u>16</u> MOTION for Sanctions (<i>NINTENDO OF AMERICA INC.'S AND NINTENDO CO., LTD.'S MOTION FOR SANCTIONS PURSUANT TO FED. R. CIV. P. 11</i>) (Moore, David) (Entered: 01/14/2014)

01/17/2014	<u>32</u>	REPLY BRIEF <i>Plaintiffs' Response to Defendants' Notice of Supplemental Authority</i> filed by Ithaca Development LLC, Ithaca Ventures k.s.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Dorsney, Kenneth) (Entered: 01/17/2014)
08/25/2014	<u>33</u>	NOTICE requesting Clerk to remove Ted S. Ward as co-counsel.. (Dorsney, Kenneth) (Entered: 08/25/2014)
09/25/2014	<u>I</u>	Case transferred electronically to Western District of Washington. CASE CLOSED.(mdb) (Entered: 09/26/2014)
09/26/2014	<u>34</u>	MEMORANDUM OPINION. Signed by Judge Gregory M. Sleet on 9/25/2014. (mdb) (Entered: 09/26/2014)
09/26/2014	<u>35</u>	ORDER – re <u>34</u> Memorandum Opinion: 1. Nintendo's Motion to Transfer Case to Western District of Washington (D.I. <u>10</u>) is GRANTED; 2. Nintendo's Motion for Sanctions Pursuant to Fed. R. Civ. P. 11 (D.I. <u>16</u>) is DENIED as moot; and 3. The above-captioned action is transferred to the U.S. District Court for the Western District of Washington. Signed by Judge Gregory M. Sleet on 9/25/2014. (mdb) (Entered: 09/26/2014)